

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD F. MAZUR,

Plaintiff,

v.

Case Number 05-10109
Honorable David M. Lawson

ROI W. YOUNG and DYN YOUNG,

Defendants.

ORDER STRIKING AMENDED BILL OF COSTS

On March 17, 2006, this Court filed an opinion and order granting motions for summary judgment filed by the defendants and entered judgment in favor of the defendants. On April 17, 2006, the defendants filed a bill of costs pursuant to Federal Rule of Civil Procedure 54(d)(1) and E.D. Mich. LR 54.1. That same day, the clerk taxed costs in the amount of \$250 and disallowed the other costs requested by the defendants. On May 12, 2006, the defendants filed an amended bill of costs.

Rule 54(d)(1) states that costs may be taxed by the clerk “on one day’s notice.” If a party disagrees with the clerk’s action, that action may be reviewed by the Court “[o]n motion served within 5 days thereafter.” Fed. R. Civ. P. 54(d)(1).

There is no provision in the rules allowing an amendment to a bill of costs. It appears that the defendants in essence are seeking reconsideration of the clerk’s action. However, Rule 54(d)(1) sets forth the means by which a party may challenge a clerk’s action to tax or not tax costs contained in a bill of costs. An amended bill of costs is not included within the range of options; the disgruntled party is obliged to file a motion with the Court within 5 days after the clerk’s action.

Accordingly, it is **ORDERED** that the amended bill of costs [dkt #47] is **STRICKEN**.

s/**David M. Lawson**
DAVID M. LAWSON
United States District Judge

Dated: May 26, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 26, 2006.

s/**Tracy A. Jacobs**
TRACY A. JACOBS